

2151

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

David J. Long, et al.

Serial No.: 10/040,499

Filed on: December 28, 2001



Confirmation No.: 3702

Examiner: NYA

Group Art Unit No.: 2151

For: POLICIES ON A PER INSTANCE BASIS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

OCT 14 2004

Technology Center 2100

INFORMATION DISCLOSURE STATEMENT

Sir:

Enclosed is a copy of Information Disclosure Citation Form PTO-1449 together with copies of the documents cited on that form, if needed. It is respectfully requested that the cited documents be considered and that the enclosed Information Disclosure Citation Form PTO-1449 be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant(s).

Pursuant to 37 C.F.R. § 1.97, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability.

Pursuant to 37 C.F.R. § 1.97, this Information Disclosure Statement is being submitted under one of the following (as indicated by an "X" to the left of the appropriate paragraph):

 X 37 C.F.R. §1.97(b).

 37 C.F.R. §1.97(c). If so, then this Information Disclosure Statement includes one of the following:

 A statement pursuant to 37 C.F.R. §1.97(e)

 1.97(e)(1) The undersigned hereby states that each item of information contained in this information disclosure statement was first

cited in communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

_____ 1.97(e)(2) The undersigned hereby states that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement.

_____ A check for \$180.00 for the fee under 37 C.F.R. § 1.17(p).

_____ 37 C.F.R. §1.97(d). If so, then this Information Disclosure Statement includes the following:

_____ A statement pursuant to 37 C.F.R. §1.97(e)

_____ 1.97(e)(1) The undersigned hereby states that each item of information contained in this information disclosure statement was first cited in communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement; OR

_____ 1.97(e)(2) The undersigned hereby states that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement.

AND

_____ A check for \$180.00 for the fee under 37 C.F.R. §1.17(i) for submission of the Information Disclosure Statement.

_____ 37 C.F.R. §1.97(i). Wherein applicants are submitting references before the grant of a patent to be placed in the file but not considered by the Patent office.

- (1) Accordingly, copies of the references as listed on the attached Form PTO 1449 are submitted herewith for placement in the file. No certification or fees are deemed necessary.

The Examiner's attention is directed to the following related application(s) for the following reasons (as indicated by an "X" to the left of the appropriate paragraph):

_____ The Examiner is hereby notified that the following related application has been filed:

| U.S. Application/ Pat. No. | File Date | Atty. Docket. No. |
|----------------------------|-----------|-------------------|
| | | |

This related application contains one or more claims that may be substantially similar to one or more claims in the present application. Therefore, the Examiner is encouraged to reference the file history of the related application as some of the information contained therein may be material to the examination of the present application.

 X The Examiner is hereby notified that the present application is related to the following related application(s):

| U.S. Application/ Pat. No. | File Date | Atty. Docket. No. |
|----------------------------|-------------------|-------------------|
| 09/853,823 | May 11, 2001 | 50277-1561 |
| 10/448,888 | May 30, 2003 | 50277-1749 |
| 10/452,164 | May 30, 2003 | 50277-1750 |
| 10/452,163 | May 30, 2003 | 50277-1751 |
| 10/040,578 | December 28, 2001 | 50277-1766 |
| 10/040,500 | December 28, 2001 | 50277-1767 |

The related application(s) contain(s) one or more claims that may be substantially similar to one or more claims in the present application, those claims may have been rejected in the related application(s), and a different interpretation may have been applied to one or more of the references that are of record in the present application. Therefore, the Examiner is encouraged to review the file history(ies) of the related application(s) as some of the information contained therein may be material to the examination of the present application.

 X The Examiner is hereby notified that for the following related application(s) an Office Action has been received as indicated below:

| U.S. Application/ Pat. No. | File Date | Office Action Mailing Date | Atty. Docket. No. |
|-------------------------------|--------------|-------------------------------|----------------------|
| 09/853,823 | May 11, 2001 | September 24, 2004 | 50277-1561 |


The related application(s) contain(s) one or more claims that may be substantially similar to one or more claims in the present application, those claims may have been rejected in the related application(s), and a different interpretation may have been applied to one or more of the references that are of record in the present application. Therefore, the Examiner is encouraged to review the file history(ies) of the related application(s) as some of the information contained therein may be material to the examination of the present application.

Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Oct.
Dated: ~~September~~ 4, 2004



Brian D. Hickman
Reg. No. 35,894

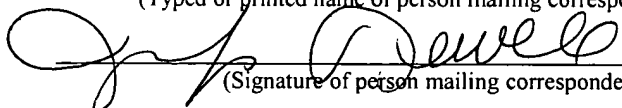
1600 Willow Street
San Jose, California 95125-5106
Telephone: (408) 414-1080
Facsimile: (408) 414-1076

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

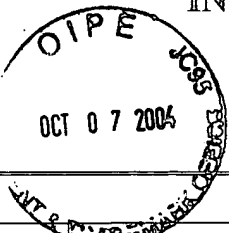
October 5, 2004
~~September~~
(Date of Deposit)

Jennifer Newell

(Typed or printed name of person mailing correspondence)



(Signature of person mailing correspondence)

| | | | | | | | |
|---|--|--|--|---|--|----------------------------|--|
| INFORMATION DISCLOSURE CITATION IN AN APPLICATION (PTO-1449) | | | | ATTY. DOCKET NO. 50277-1768 | | SERIAL NO. 4,999 | |
|  | | | | APPLICANT: David J. Long et al. | | | |
| | | | | FILING DATE: December 28, 2001 | | | |
| | | | | OCT 14 2004 | | | |
| | | | | Technology Center | | | |
| | | | | 2151 | | | |

| U.S. PATENT DOCUMENTS | | | | | | |
|-----------------------|--------------------------|----------------------|--------------------------------------|--|--|--|
| Exam. Initial* | Cite No. ¹ | U.S. Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Number | Kind Code ² (If known) | | | |
| | | 5,778,179 | | Kanai et al. | 07-07-1998 | |
| | | 5,956,506 | | Cobb et al. | 09-21-1999 | |
| | | 6,021,414 | | Fuller et al. | 02-01-2000 | |
| | | 6,457,065 | B1 | Rich et al. | 09-24-2002 | |
| | | 2003/0195865 | A1 | Long et al. | 10-16-2003 | |
| | | 2003/0195866 | A1 | Long et al. | 10-16-2003 | |
| | | 2003/0200197 | A1 | Long et al. | 10-23-2003 | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

| FOREIGN PATENT DOCUMENTS | | | | | | | | |
|--------------------------|--------------------------|-------------------------|---------------------|--------------------------------------|--|--|--|----------------|
| Exam. Initial* | Cite No. ¹ | Foreign Patent Document | | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD- YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
| | | Office ³ | Number ⁴ | Kind Code ⁵ (If known) | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

| | |
|---------------------------|------------------------|
| Examiner Signature | Date Considered |
|---------------------------|------------------------|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard S.3). ⁴For Japanese patent documents, the indication of the year of reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.